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6 IN THE UNITED STATES DISTRICT COURT  
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9

10 UNITED STATES OF AMERICA,

11 Plaintiff,

No. CR 00-00505 WHA

12 v.

13 CHARLES W. McCALL,

14 Defendant.  
15 \_\_\_\_\_/

**ORDER RE EVIDENTIARY  
HEARING**

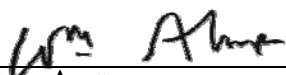
16 In his Section 2255 motion, defendant claims that he was denied effective assistance of  
17 counsel because his trial counsel failed to sufficiently communicate an informal plea offer by the  
18 government. In response, the government claims that no plea offer was made in this case (Opp.  
19 at 5). In his traverse, defendant cites to a sworn declaration of one of his trial counsel, Michael  
20 J. Shepard, who in an email states that the government had represented to him that they were  
21 “okay” with a Rule 11(c)(1)(c) plea agreement (Traverse, Exh. A).

22 Defendant has requested discovery and an evidentiary hearing. In particular, defendant  
23 requests an order directing the government to conduct “a thorough search of its records and to  
24 interview all personnel who were in any way involved in the plea discussions summarized herein  
25 and to turn over to the defense all documents and information evidencing such discussions or  
26 proposals” (Traverse, at 18). Given that defendant’s trial counsel has provided evidence that an  
27 informal plea agreement existed, the government is hereby **ORDERED TO SHOW CAUSE BY**  
28 **DECEMBER 17, 2013, AT NOON**, why defendant’s request for discovery should not be granted.

1           The Court will consider defendant's request for an evidentiary hearing after an order  
2 regarding discovery has been issued.

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4           **IT IS SO ORDERED.**

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6 Dated: December 10, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE